

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.M. Millirans, Minor.

UNPUBLISHED

October 15, 2013

No. 314466

St. Joseph Circuit Court

Family Division

LC No. 2011-000872-NA

Before: MURRAY, P.J., and DONOFRIO and BORRELLO, JJ.

PER CURIAM.

Respondent mother and respondent father appeal as of right the trial court's order terminating respondent mother's parental rights to the minor child under MCL 712A.19b(3)(g) (failure to provide proper care or custody) and (*l*) (parent's rights to another child were terminated), and terminating respondent father's parental rights under MCL 712A.19b(3)(g). Because clear and convincing evidence supported the statutory bases for termination, and termination of respondents' parental rights was in the child's best interests, we affirm.

The trial court did not clearly err by finding that the statutory bases for termination were established by clear and convincing evidence. See *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent mother had five older children, none of whom were in her care any longer. She admitted that her parental rights to two of her children had been involuntarily terminated in West Virginia when she "didn't go back" because West Virginia caseworkers "were just rude." The evidence also showed that respondent mother released her parental rights to a child in Calhoun County after the child was in care for 1-½ years and respondent mother failed to cooperate with services. Thus, the trial court did not clearly err by terminating respondent mother's parents rights pursuant to MCL 712A.19b(3)(*l*).

Further, at the time that the child was removed from respondents' care, the conditions of the home were not appropriate or safe for the child. Barriers to reunification for both respondents included emotional stability, substance abuse, parenting skills, domestic violence, social support, housing, employment, and resource availability and management. During the more than one year that this case was pending, both respondents missed numerous visits with the child, as well as drug screens and appointments, and did not sufficiently address the barriers to reunification. Although respondents made some progress in the final months of the lower court proceedings with respect to substance abuse, transportation, and housing, based on respondents' history, their ability to sustain their progress was speculative.

In addition, the child required significant care for her medical issues, which included a pediatric cataract in one eye. She had made significant progress during the lower court proceedings, largely because of the attention and care of her foster family. Evidence showed that if the child does not receive necessary medical care and attend regular medical appointments, she could lose her vision. Throughout the proceedings, respondents demonstrated that they were unable to regularly attend visits, appointments, or services. Nothing indicated that their involvement and attendance would have been better if it had involved caring for the child's medical issues. Thus, the trial court did not clearly err by finding that respondents did not provide proper care and custody for the child and that there was no reasonable expectation that they would be able to do so within a reasonable time considering the child's age.¹ MCL 712A.19b(3)(g).

The evidence also established that termination of respondents' parental rights was in the child's best interests. If a statutory basis for termination has been proven, the trial court shall order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5); *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). A court may consider a child's need for stability and permanency in determining best interests. See *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011). Other considerations include the bond between the respondents and the child and how the child is progressing in his or her placement. See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004). In this case, the evidence showed that the child needed permanency, which respondents were unable to provide. Moreover, the child required specialized care and attendance at medical appointments, and there was no indication that respondents were able to accomplish those objectives. The child had made progress because of the care that her foster family provided. Respondents missed numerous visits and, with the exception of respondent mother's testimony, there was no evidence of a strong bond between the child and respondents. On this record, the trial court did not clearly err by determining that termination of respondents' parental rights was in the child's best interests.

Affirmed.

/s/ Christopher M. Murray

/s/ Pat M. Donofrio

/s/ Stephen L. Borrello

¹ We reject respondents' argument that the trial court focused on past conduct and dismissed their progress. The trial court specifically acknowledged respondents' progress made shortly before termination, but found that termination was nonetheless appropriate given their overall lack of progress throughout the pendency of the lower court proceedings.